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1 **OFFICIAL FILING BY FACSIMILE**  
2 **TRANSMISSION ON JANUARY 20, 2006 TO**  
3 **FACSIMILE #571 272 8300, FOR EXAMINER**  
4 **TIMOTHY D. COLLINS, TELEPHONE 571 272**  
5 **6886 ART UNIT 3643; COURTESY COPY TO**  
6 **EXAMINER COLLINS 571 273 6886**

7 fax of 31 pages  
8 Response 25 pages  
9 Exhibit 1 is 6 pages  
10 Total fax of 31 pages.

Our Ref. No. P-1542-021

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

11 In Re Application of:  
12 LINKLATER

13 Serial No. 10/260,050-  
14

15 Filed: September 3, 2002

16 For: A TWO BARRELED FERRULE  
17 FISHING LURE

Date: January 20, 2006

Group Art Unit: 3643

Examiner: Timothy D. Collins

18 Hon. Commissioner of Patents and Trademarks  
19 Washington, D.C. 20231

20 Dear Commissioner:

21 In response to the communication from the Examiner dated September 21, 2005,  
22 please consider the following:

23 **INFORMAL CONFERENCE WITH EXAMINER COLLINS**

24 Your applicant thanks Examiner Collins for the opportunity, on January 18, 2006,  
25 to discuss several issues including 1) whether the action of September 21, 2005 was a

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Floyd E. Ivey in response to Office Action  
of September 21, 2005.

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1 Final, 2) the submission of final drawings to the USPTO on June 4, 2005 and 3) the  
2 extent of detail re: the "ferrule", in the Specification, relative to the new drawing 1A and  
3 relative to new drawing 1A comprising New Matter.

4 The Office Action Summary stated that this Action of September 21, 2005 was  
5 "non-final." However, at page 2 the examiner refers to a NEW FINAL REJECTION and,  
6 at page 7, the Examiner states that THIS ACTION IS MADE FINAL. Examiner Collins  
7 concluded that the "non-final" designation on the Office Action Summary was an error  
8 and that the Action was final.

9 Re: the Drawings, the Office Action stated, at page 2, that "...the applicant has  
10 stated that new formal drawings were to be filed shortly after 6/3/04. No new formal  
11 drawings have been filed to the date of this action..." Your applicant respectfully advised  
12 that formal drawings were submitted on June 4, 2004. The Examiner asked that any  
13 Response to this Office Action provide the document demonstrating the filing and that it  
14 is possible that a submission was not scanned.

15 Re: the matter of the Examiner's statement of insufficiency of "...of detail re: the  
16 "ferrule", in the Specification, relative to the new drawing 1A.", with this resulting in the  
17 Examiner's conclusion that new Fig. 1A was New Matter, your applicant respectfully  
18 observed description of the ferrule in the original Specification at page 2 commencing at  
19 line 12 and at page 4 commencing at line 9. Your applicant advised that instances in the  
20 Specification where ferrule detail is found in the Specification would be addressed in this  
21 Response.

22 Also discussed were the options relative to the New Final Action including 1.)  
23 filing a Response with the intent to clean up and overcome the Final, 2.) filing a RCE or  
24 3.) appealing with the expectation that the present appeal would receive an appeal from  
25 this final. Discussed was the real fact that small inventors are seriously impacted by each  
26

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1 interaction and that the Final, if an RCE is required, requires another filing fee. Such fees  
2 render impossible for the small inventor to utilize the patent process.

3 Your applicant greatly appreciated the comments by the Examiner and found them  
4 to be very helpful. Your applicant now files a Response intended to clean-up and meet  
5 the objections and rejections of the Examiner with the hope that the Application might be  
6 returned to prosecution and allowed.

## 7 8 AMENDMENT AND RESPONSE

### 9 I. INTRODUCTORY COMMENTS

#### 10 Petition for filing in the First Month

11 The applicant respectfully observes that this response is filed in the First Month  
12 and petitions for the extension of time to file following the Examiner's Communication  
13 of September 21, 2005. The Examiner is hereby authorized to deduct fees for filing in the  
14 First Month of \$60.00 and other fees owing from the deposit account of Liebler, Ivey &  
15 Connor, P.S./Floyd E. Ivey, 35,552, Deposit account No. 50-0607.

#### 16 17 II. Status of Drawings -

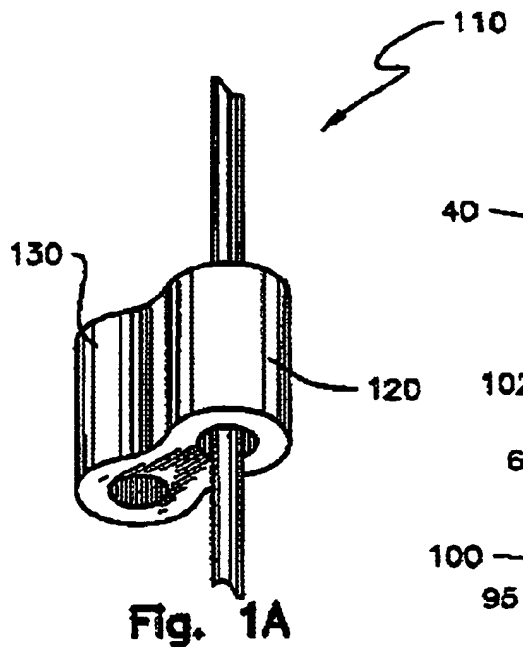
18 The Examiner, at page 2 of the Office Action, states that "...the applicant has  
19 stated that new formal drawings were to be filed shortly after 6/3/04. No new formal  
20 drawings have been filed to the date of this action..." The Examiner's attention is  
21 respectfully drawn to pages annexed hereto as Exhibit 1 comprising 6 pages including the  
22 USPTO fax receipt, the law office fax receipt and the four page Amendment and  
23 Response transmitted on June 4, 2004 to the USPTO with two pages of new drawings of  
24 Fig. 1, 1A, 2 and 3.

25 The Examiner has also stated at page 2, third paragraph, that the new informal  
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1 drawings contain new matter. The Examiner states "The informal drawings filed 6/3/04  
2 contain new matter. The details of the ferrule and figure 1a were not discussed in enough  
3 detail to support the matter disclosed by the figure. Also similarly because of the  
4 numerous inconsistencies in reference numbers and parts of the drawings the drawings  
5 are being held as new matter and are not acceptable because of this new matter."

6 The elements of the invention as depicted in the Figures 1-6 with the original  
7 application were accurate in displaying the elements of the invention. The substituted  
8 drawings 1, 1A, 1B and 2 conform to the invention as described in the Detailed  
9 Description.

10 Your applicant respectfully submits that no new matter is added and that the  
11 Examiner, by review of the  
12 following excerpts from the  
13 Specification will find significant  
14 and indeed sufficient detail re: the  
15 ferrule. Fig. 1A illustrates the  
16 double barreled ferrule as follows:



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1 The Examiner is respectfully directed to the Specification as follows:

2  
3 Specification page 2/lines 12-16: "...A double barreled ferrule with a first barrel,  
4 secured to the primary shaft, has a second barrel which receives the lure shaft  
5 distal from the interconnection with the primary shaft, thus securely affixing the  
6 lure and reducing the likelihood that the lure will be "thrown off". The fishing  
7 hook is affixed by ferrule means to the primary shaft.

8  
9 Specification page 4/lines 9-13: " The lure shaft (10) locking means is, in the  
10 preferred embodiment, by ferrule means comprised of a double barrel ferrule  
11 (110) with the double barrel ferrule (110) having a first barrel (120) receiving and  
12 securing the primary shaft (10) proximal the first end (20) and having a second  
13 barrel (130) receiving the lure shaft (40) at the lure shaft first end (50).

14  
15 Specification Page 4/line 31 to page 5/line 4: "...Once the lure bait (140) is  
16 pierced by the lure shaft (40) the lure shaft first end (50) is then received by the  
17 double barrel ferrule (110) at the second barrel (130) with the interaction of the  
18 lure shaft first end (50) and the second barrel (130) locking the lure shaft first end  
19 (50) and securing it from disengaging and thereby allowing release of the lure bait  
20 (140).

21  
22 Your applicant respectfully urges the Examiner as follows:

- 23 1. to find "enough detail to support the matter disclosed by the figure 1A",  
24 2. to withdraw the conclusion that Fig. 1A constitutes new matter,  
25 3. to accept the substitute drawings 1, 1A, 1B and 2.

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1 4. and to allow the claims as amended..

2

3 **III. Status of Specification**

4 The Specification regarding the Brief Description of the Drawings, was amended  
5 in the last response of June 3, 2004 to conform the Brief Description of the Drawings to  
6 the substituted Drawings.

7 The Examiner states, at page 2 paragraph 3 that "...Also similarly because of the  
8 numerous inconsistencies in reference numbers and parts of the drawings the drawings  
9 are being held as new matter and are not acceptable because of this new matter."

10 Assuming that the Examiner accepts the substituted Drawings, your applicant respectfully  
11 contends that the issue of "inconsistencies in reference numbers and parts of the  
12 drawings" will be cured. Your applicant has reviewed the reference numbers in the  
13 Specification and in the substituted Drawings Fig. 1, 1A, 1B and 2 and believes that they  
14 demonstrate consistency. To demonstrate the belief that consistency exists between the  
15 original Specification and the substituted Drawings your applicant respectfully invites the  
16 Examiner to review Fig. 1, 1A, 1B and 2 relative to the Detailed Description at  
17 Specification page 3/lines 6-16 as follows:

18 As seen in Fig 1, 1A, 1B and Fig 2, the fishing lure (1) invention of the  
19 present application comprises an elongated primary shaft (10) having a first end  
20 (20) and a second end (30). An elongated lure shaft (40) having a lure shaft first  
21 end (50) and a lure shaft second end (60). The lure shaft second end (60) is  
22 interconnected by shaft interconnection means to the primary shaft (10) proximal  
23 the second end (30). A fish hook means (70) has a hook shaft (90) which is  
24 secured by hook shaft affixing means (100) to the primary shaft (10) proximal the  
25 second end (30). Lure shaft locking means (110) is positioned proximal the first  
26

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1 end (20) to secure the lure shaft first end (50) when a lure or bait has been  
2 skewered onto the lure shaft (40). Fishing leader affixing means (150), to receive  
3 fishing leader, is positioned proximal the first end.(20) and is comprised, in the  
4 preferred embodiment of an eye (155).

5  
6 Your applicant respectfully urges the Examiner to find that the prior finding of  
7 "numerous inconsistencies in reference numbers and parts of the drawings..." is cured  
8 with the acceptance of the substituted Drawings and to withdraw this rejection, and to  
9 allow the claims as amended.

10 Your applicant continues in its certification and belief that no new matter has been  
11 added.

12  
13 **IV. Status of Claims**

14 Claims 1-4 are pending. Claims 1-4 are rejected. Claim 5 has been cancelled.

15 **V. Response to Office Action of September 21, 2005.**

16 This case was appealed from the Office Action of August 6, 2004. The Examiner  
17 has withdrawn the previous final office action of August 6, 2004 and has reopened  
18 prosecution. The Examiner has stated that because of the applicant's amendments filed  
19 6/3/04, a new final Rejection is made. Your applicant now responds to the Office Action  
20 of September 21, 2005 with the intent of fully Responding to the Examiner's rejections  
21 and objections. Your applicant's Response is with reference to the Brief Description of  
22 the Drawings as amended in the Response of 6/3/04.

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